

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-990V

Filed: April 16, 2015

Unpublished

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TRACY CZUPRYNSKI,

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Petitioner,

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v.

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Meredith Daniels, Esq., Conway, Homer & Chin-Caplin, P.C., Boston, MA, for petitioner.  
Debra Filteau Begley, Esq., US Department of Justice, Washington, DC, for respondent.

### **DECISION AWARDING DAMAGES**<sup>1</sup>

**Vowell**, Chief Special Master:

On October 15, 2014, Tracy Czuprynski filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq., [the “Vaccine Act” or “Program”]. Petitioner alleged that she suffered a left shoulder injury as a result of the administration of an influenza (flu) vaccination on October 2, 2012. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 8, 2015, respondent filed her Rule 4(c) report [“Res. Report”], in which she conceded that petitioner is entitled to compensation in this case. Res. Report at 3-4. Specifically, respondent indicated that “a preponderance of evidence establishes that the injury to petitioner’s left shoulder was caused by the administration of her October 2, 2012 flu vaccine, and that petitioner’s injury is not due to factors unrelated to the administration of the October 2, 2012 flu vaccine.” *Id* at 3. Respondent indicated that petitioner has satisfied all the prerequisites for compensation under the Vaccine Act. *Id*.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

On January 9, 2015, I issued a ruling on entitlement, finding petitioner entitled to compensation. On April 15, 2015, respondent filed a proffer on award of compensation ["Proffer"] detailing compensation in the amount of \$76,623.04, including \$1,623.04 for past unreimbursable expenses and \$75,000.00 for pain and suffering. Proffer at 1. Respondent averred that petitioner agreed to the amount set forth therein. *Id.* This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

Pursuant to the terms stated in the attached Proffer, **I award petitioner a lump sum payment of \$76,623.04 in the form of a check payable to petitioner, Tracy Czuprynski. This amount accounts for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.**

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>2</sup>

**s/Denise K. Vowell**  
Denise K. Vowell  
Chief Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
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**TRACY CZUPRYNSKI,**

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Petitioner,

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**No. 14-990V**

CHIEF SPECIAL MASTER

v.

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DENISE VOWELL

\*

**SECRETARY OF HEALTH AND  
HUMAN SERVICES,**

\*

\*

\*

Respondent.

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**RESPONDENT'S PROFFER ON AWARD OF COMPENSATION**

**I. Items of Compensation**

For purposes of this proffer, the term "vaccine-related" is as described in Respondent's Rule 4(c) Report, filed on January 8, 2015, conceding entitlement in this case. Based upon the evidence of record, respondent proffers that petitioner should be awarded \$76,623.04, consisting of \$1,623.04 in past unreimbursable expenses and \$75,000.00 in pain and suffering. This represents all elements of competition to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a) for her vaccine-related injury.<sup>1</sup> Petitioner agrees.

**II. Form of the Award**

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment described below, and request that the Chief Special Master's decision and the Court's judgment award the following:

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<sup>1</sup> Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering.

A lump sum of \$76,623.04 in the form of a check payable to petitioner, Tracy Czuprynski. This amounts accounts for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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Director  
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Deputy Director  
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